PP 2015/0012

SELECT COMMITTEE ON BUILDING REGULATIONS (PETITION FOR REDRESS) REPORT 2014-2015

Select Committee on Building Regulations
(Petition for Redress) Report
2014-2015

On 10th December 2013 it was resolved –

> *That a committee of three Members be appointed with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to investigate and report on the Petition of Redress presented at St John's on 5th July 2013 by Sarah Lee Watterson in relation to building regulations and other property matters.*

The powers, privileges and immunities relating to the work of a committee of Tynwald are those conferred by sections 3 and 4 of the Tynwald Proceedings Act 1876, sections 1 to 4 of the Privileges of Tynwald (Publications) Act 1973 and sections 2 to 4 of the Tynwald Proceedings Act 1984.

Committee Membership

Mr R W Henderson MHK (Douglas North) (Chairman)

Mrs B J Cannell MHK (Douglas East)

Mr C C Thomas MHK (Douglas West)

Copies of this Report may be obtained from the Tynwald Library, Legislative Buildings, Finch Road, Douglas IM1 3PW (Tel 01624 685520, Fax 01624 685522) or may be consulted at www.tynwald.org.im

All correspondence with regard to this Report should be addressed to the Clerk of Tynwald, Legislative Buildings, Finch Road, Douglas IM1 3PW.

In Tynwald

5th July 2013

I authorise **Peter Karran MHK** to present this petition on my behalf

Signed SL Watterson Dated 1/7/13

The humble petition of

Sarah Lee Watterson. Flat 1, 32 Christian Road, Douglas, Isle of Man. IM1 2QN.

Sheweth That

* Property bought in good faith and in all accordance's with the property buying process but is severely defective/substandard/not sold as advertised. Especially property advertised as a **'brand new, high standard conversion'** is subject to rigorous inspection processes and should be sold, entirely sound, as a result of good inspection regulations and building practices and exactly as advertised.

Where this is shown to not be the case; Clear guidelines, regulations and laws should be (and are currently not) in place allowing for swift and clear legal redress. Where gross negligence and/or fraud has taken place in the building/fitting/conversion/inspection/selling process by builders/developers/estate agents clear laws should exist (and currently do not) to prosecute as a criminal act those who are shown to be responsible. Furthermore whereby such negligent conversion/building/fitting/inspections causes ill health to the occupant, Manx laws should (and do not) exist to prosecute perpetrators as a criminal act.

***The laws in the Isle of Man pertaining to property are woefully inadequate. Or, are non-existing, with regard to all aspects of the property process.**

Manx laws should be; updated and/or established in order that 'cowboy' builders and 'cowboy' developers can be easily prosecuted. Advertising of property for sale should be entirely accurate and 'prove able' by both Estate Agent and vendor. Criminal Laws should be put in place to enable swift straight forward Prosecution of those who fail to comply/are found to have been negligent in any regard to this.

* **Building Regulations** - the clear failure to inspect properly, all aspects of a property should render the Local Authority liable to prosecution and compensation by the purchaser of a defective property. Douglas Corporation cites the 'ambiguous nature of building regulations' for its current poor

operational and inspection processes. It is in fact clear by the existence of specific cases that they fail to operate to satisfactory/good/high standards. Laws should be put in place to enable swift straight forward prosecution of those authorities who fail to provide a good standard of service; this includes record keeping and the complaints procedure currently in place.

* **Laws pertain to the running of a Residential Building Management Company** are also vague, out of date or non-existent and/or difficult to enforce and enable developers and owners to act in a fraudulent/non-compliant manner. Employing for example, a banned criminally convicted accountant to prepare company accounts. Criminal Laws should be put in place to enable swift straight forward prosecution of those who fail to comply/are operating fraudulently.

***Laws should be put in place that allows substantial retrospective compensation** from/prosecution of individuals and/or local authorities for failing to provide such laws and regulations and of Builders/developers .

***Implementation of a Manx Ombudsman pertaining to all aspects of property**.

***Clear accountability/regulations of Estate agents when advertising and selling property and prosecution of same for failure to comply.**

***Vetting of Tax Status of property developers.**

Compulsory involvement of and regulation by UK bodies.

Wherefore your petitioner seeks that

The/A select committee (including representation from the UK/EU) investigate the gross absence of and weakness in the laws relating to all property matters. Including but not limited to: converting buildings, building processes, substandard workmanship substandard repairs building regulations, vetting of workmen/inspection processes and standards and the selling processes of the Isle of Man.

That new Manx laws are established and clear regulations set up pertaining to:

*Building Regulations

*Inspections of all aspect of build/ planning regulations, checks and inspection of all workmen/fitters.

* Laws regarding the conversion of all (and especially Manx Stone) Buildings.

*Management Company law and enforcement of.

*Establishment of Property Ombudsman and compulsory membership of

*Laws regarding Accountability for breech of/negligence by Workmen/Developers/Local Authority/Estate Agents.

*Criminal laws regarding substandard property.

*Criminal laws regarding substandard property that affects health.

*Investigation in to who at Tynwald and on the IOM is benefiting by the failure to provide such laws.

*Laws regarding the UK/EU involvement to ensure the IOM is providing adequate and up to date laws for its populace.

All laws regarding the above are established forthwith without ANY ambiguity.

***And furthermore** that developers and local authorities can be held accountable/prosecuted for any gross negligence and wilful avoidance of responsibility.

Signed

S L Watterson

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To: The Hon Clare M Christian, President of Tynwald,

and the Hon Council and Keys in Tynwald assembled

SELECT COMMITTEE ON BUILDING REGULATIONS
(PETITION FOR REDRESS) REPORT 2014-2015

I. THE INQUIRY

1. On 10th December 2013 Tynwald appointed this Committee with the following remit:

   That Tynwald appoints a Committee of three Members with powers to take written and oral evidence pursuant to sections 3 and 4 of the Tynwald Proceedings Act 1876, as amended, to investigate and report on the Petition for Redress presented at St John's on 5th July 2013 by Sarah Lee Watterson in relation to building regulations and other property matters.

2. Mrs Cannell, Mr Henderson and Mr Thomas were elected as Members.

3. The Committee agreed the appointment of Mr Bill Henderson as Chairman on 11th December 2013. The Committee scheduled its first substantive meeting for 30th January 2014.

4. Although the Petition for Redress relates to the building regulations and other property matters rather than to a specific case, the personal experience of the Petitioner was always going to be critical in informing the Committee how the current system was seen not to be succeeding.

5. On 24th December 2013 the Chief Executive of the Department of Infrastructure informed the Committee that Mr Siamack Rowaichi, the Building Control Manager, had been asked to appear as a witness for Ms Watterson (the Petitioner) in a court case in March which covered the same issue as the matters complained of in the Petition for Redress.[1] Mr Rowaichi would have been a significant witness in our inquiry. His involvement in the case underlined that it was impossible for this Committee to proceed until the court case had been finally resolved.

6. Once it became clear that court proceedings had been started which related to the same specific problems which had been brought to the attention of Tynwald by way of the Petition for Redress, we postponed our planned meeting as the matter before us was *sub judice*. We agreed not to meet until after the court case had been resolved; the Petitioner was duly informed of the postponement and the reason for it.

7. The case was initially scheduled for public hearing on Monday, 17th March 2014. In fact, the case was adjourned to 13th May and it subsequently emerged that a cross-action had been started by the defendants in the action against Ms Watterson covering related issues which was set down for hearing on 14th July 2014.

8. The Committee was concerned about the delay in dealing with this matter and met privately on 1st May; it agreed that although the Petition for Redress related to the general position covering building regulations and property matters, and was therefore in order, because the Petitioner would wish to use her own experience as an example of how the system had failed it would not be appropriate to take evidence while there was a "live" court case. Further, the Committee would be reliant in the first instance on the evidence of the Petitioner in order to direct its work to the wider issues of the Petition.

9. On 8th May the Department of Infrastructure announced that it would lay before Tynwald new Building Regulations which would update the law on the Isle of Man relating to standards of workmanship and design, with a specific focus on improving energy efficiency.[2]

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[1] Case reference SCP13/1335 32 Christian Road Management Ltd v Sarah Lee Watterson

[2] See Department of Infrastructure press notice dated 8th May 2014

10. On 15th July the Clerk wrote to the Petitioner:

> *Further to our telephone conversation last week, it would be helpful if you could tell me what progress is being made with the court case between you and the vendors of your flat. I understand that there was a hearing on Monday.*
>
> *I explained to you when we spoke why I have advised the Committee that it cannot meet until the court case has been completed, because of the principles of comity which prevent Tynwald from interfering or seeming to interfere with cases which are sub judice.*
>
> *The Committee Chairman and I are happy to see you to talk about the progress with your Petition, if that is helpful.*[3]

11. The Petitioner replied that the vendors had offered to re-purchase the property (at a lower sum than she had paid for it) and that she had requested an adjournment to 30th July to consider the offer. She said:

> *At this point I am wondering what on earth a petition of grievance system is actually for? if not to address serious absence of laws and regulations and/or abuses of and then retrospectively assist individuals whose lives have been detrimentally affected by loopholes, absence of law or the negligence of Public Authorities.*
>
> *The Manx Government is after all self-governing.*[4]

12. On 30th July the Petitioner informed the Committee that the Claimants against her had dropped their case.[5] She confirmed that there were no outstanding proceedings on 8th August 2014.[6] (The courts understood that the parties were still in negotiation on 22nd August 2014 and that nothing final had been agreed.[7] On 8th September the courts indicated that the matter was agreed and that a suitable consent order was being prepared).[8]

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[3] Email dated 15th July 2014
[4] Email dated 15th July 2014 *(sic)*
[5] Email dated 30th July 2014
[6] Email dated 8th August 2014
[7] Email dated 22nd August 2014
[8] Email dated 8th September 2014

13. On 21st August 2014 the Committee invited the Petitioner to submit written evidence to it (with a view to taking oral evidence in due course).[9] On 22nd August the Committee asked the Building Control Manager, Department of Infrastructure to explain whether the new Building Regulations affected the matters in the Petition.[10]

14. On 22nd September the Petitioner did not send the Committee a paper, as requested, but referred the Committee to her court papers and replied:

    I suggest that you ask the court for all the documents I submitted. I am a full time teacher and as you can appreciate my time to rewrite what I have written ad nauseaum, is limited. I am very happy to fully co-operate in order to expose the web of lies, cover-ups and sub standards therein in law, government and local government.[11]

15. Mr Rowaichi replied to the Committee's request for information about how the new Building Regulations had affected the issues as follows:

    I had identified certain shortcomings of the regulations by 2011, in particular how to make sure builders/developers carry out building works to a reasonable standard of workmanship which are detailed in the Building Regulations and Approved Documents (technical guidance as to how to comply with minimum requirements of the Regulations); and as a direct result of this case I decided during drafting of the Regulations in early 2013 to investigate and see how we could further strengthen the Building Regulations in such areas.[12]

    Mr Rowaichi went on to tell us that:

    The new Building Regulations have added a new definition for "repairs" and also require such works to comply with minimum requirements of Building Regulations and standards of workmanship…[13]

16. The Building Regulations 2014 came into operation on 1st October 2014. Mr Rowaichi believes that these new Building Regulations will prevent builders and

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[9] Email dated 21st August 2014
[10] Letter from Clerk to Mr Siamack Rowaichi dated 22nd August 2014
[11] Email dated 22nd September 2014
[12] Letter dated 28th August 2014 (Appendix 1)
[13] Ibid.

developers from carrying out sub-standard work in future so that the loophole which affected the Petitioner will be satisfactorily dealt with.[14]

17. We note that Mr Juan Watterson MHK (no relation of the Petitioner) also played an important role in ensuring that the law was changed in order to protect against future cases of shabby workmanship where buildings are repaired. The Committee understands that Mr Watterson was contacted directly by the Petitioner for assistance at that time, and resulting in Mr Watterson's considerable intervention, which was prior to the Petition being raised in Tynwald and the Committees subsequent formation.[15]

II. CONCLUSION

18. We wish to make two points relating to this inquiry. The first is about the interplay between the work of Tynwald and the Courts: it is important for Petitioners and others to remember that there are limits on what Tynwald and its Committees can achieve. Tynwald cannot "retrospectively assist individuals" as the Petitioner seems to have assumed. The courts deal with disputes between citizens. Tynwald agrees policy and legislation to create the framework within which disputes can be settled by the courts.

19. We make no comment on the particular case which was dealt with by way of litigation leading to a settlement. It would not be fair to do so because we have not invited *both* parties to comment. It would also not be appropriate to do so because this is a matter for the courts system, in any event.

20. The rules relating to Petitions for Redress are very clear that individual cases cannot be dealt with if there are alternative means of appeal; this Petition was in order only because it related to the generality of the law relating to building standards.

21. We have referred this case to the attention of the Standing Orders Committee, so that it may consider whether it would be appropriate to amend Standing Orders to provide that in any case where a Select Committee cannot proceed because a case is before the courts, the Committee will be automatically

[14] Ibid.

[15] See Appendix 2

discharged once it makes a Special Report to Tynwald under the relevant Standing Order.

22. The second point which we make is about the way change has been brought about: the Department of Infrastructure has reacted to this particular case by changing the law, having had the matter drawn to its attention by Mr Juan Watterson MHK. It would be premature to make a judgment as to whether the new Building Regulations will achieve their purpose. We congratulate the Department, however, in getting to grips with this problem and dealing with it promptly.

23. Accordingly, we have no recommendations to place before Tynwald Court.

Mr R W Henderson MHK (Chairman)

Mrs B J Cannell MHK

Mr C C Thomas MHK

February 2015

WRITTEN EVIDENCE

APPENDIX 1

Letter from Mr Siamack Rowaichi

dated 28th August 2014

Isle of Man
Government
Reiltys Ellan Vannin

infrastructure
planning and building control
bun-troggalys - plannal as gurneil troggal

Murray House,
Mount Havelock,
Douglas,
Isle of Man,
IM1 2SF

Mr Roger Philips
Clerk of Tynwald
Legislative Buildings
Douglas
Isle of Man
IM1 3PW

M. Gallagher, M.R.T.P.I
Director of Planning & Building Control

Date: 28th August 2014

Dear Mr Phillips

Re: Select Committee on the petition of Miss Sarah Watterson

Thank you for your letter of 22nd August 2014, contents of which are noted.

As you may be aware there are much correspondence and information on this case and I shall try to provide you with a summary back ground to my involvement with this case. Please find attached copies of my witness statement and exhibits and my letter to Miss Sarah Watterson following my most recent site visit on 18th June 2014.

I had identified certain short comings of the Regulations by 2011, in particular how to make sure builders/developers carryout building works to a reasonable standard of workmanship which are detailed in the Building Regulations and Approved Documents (technical guidance as how to comply with minimum requirements of the Regulations); and as the direct result of this case I decided during drafting of the Regulations in early 2013 to investigate and see how we could further strengthen the Building Regulations in such areas.

The majority of problem found at Miss Sarah Watterson's flat appears to be in the areas of works which are not covered under the current Building Regulations as they are perceived as being works of repair than new works. I am of the opinion that the Regulations have been interpreted inaccurately. I believe that repair can only be done if some part of existing works remains in place; in this case for example the whole ground and first floor have been removed and all works are new and therefore should have comply in full with requirements of the Regulations. The current Regulations allow for repairs to be carried if it is no more

unsatisfactory in relation to that requirement than before the work was carried out. This would mean that we may accept substandard works without question.

The new Building Regulations has added a new definition for "repairs" and also requires such works to comply with minimum requirements of Building Regulations and standards of workmanship

"Repair" means to restore a building or part of a building or controlled service or fitting which is damaged, worn or faulty so that it complies with the relevant requirements of Schedule 1, provided that the area of the proposed repair exceeds 20% of —

(a) an element of the building; or

(b) that part of the building or controlled service that needs repairing.

We have also added Part C (resistance to moisture) to the relevant requirements of the Building Regulations as this is not the case in the Building Regulations 2007 for material alterations.

The Building Regulations 2014 will come into operation on 1st October 2014, and I believe it will prevent misinterpretation of the Building Regulations in future. The Regulation 6 (Requirements relating to building work) of the Building Regulations 2014 states:

(1) Building work must be carried out so that —

a) it complies with the relevant requirements contained in Schedule 1; and
b) in complying with any such requirement there is no failure to comply with any other such requirement.

(2) Building work must be carried out so that, after it has been completed —

a) any building which is extended, repaired or to which a material alteration is made;
b) any building in, or in connection with, which a controlled service or fitting is provided, repaired, or materially altered; and
c) any controlled service or fitting,

complies with the relevant requirements of Schedule 1 or, if it did not comply with any such requirement, is no more unsatisfactory in relation to that requirement than before the work was carried out, but still in compliance with **Regulation 9 (material and workmanship)**.

(3) To avoid any doubt, the carrying out of building work for a building must comply with all other relevant requirements under these Regulations.

Regulation 9 Material and workmanship

Building work must be carried out —

(a) with adequate and proper materials which —

(i) are appropriate for the circumstances in which they are used;
(ii) are adequately mixed or prepared;
(iii) are applied, used or fixed so as adequately to perform the function for which they are designed; and

(b) in a workmanlike manner.

Please do not hesitate to contact me with any further queries that you may have.

Yours sincerely

Siamack Rowaichi
Head of Building Control & Standard

	STATEMENT OF WITNESS **(Criminal Law Act 1981)**
	Statement of: Siamack Rowaichi **Age of Witness (if over 21 enter "over 21"):** **Occupation of Witness:** Building Control Manager **Address and Telephone Number:** Planning & Building Control Directorate Murray House Mount Havelock Douglas IM1 2SF
Statement by: **Date**	**Mr. Siamack Rowaichi, FCIOB, FCABE, MIFireE** **30th December 2013** **1.0** I have been working as a Building Control Surveyor since 1986 in England, and have been working in the Isle of Man since 1993 as a Building Control Officer. I became the head of Building Control in February 1999 advising the Isle of Man Government on matters relating to primary legislation and Building Regulations and determination or relaxation of any questioned raised on any part of the Building Regulations. I am Fellow Member of the Chartered Institute of Building, Fellow Member of Chartered Association of Building Engineers and member of the Institute of Fire Engineers.

2.0 I have been asked by Ms Sarah Watterson to give a statement of facts as I see them and my investigations into this case.

3.0 I was contacted by Hon. Mr. Juan Watterson MHK on 15th April 2012, forwarding an email from Ms Sarah Watterson asking questions in relation to works carried out when the building was converted into flats which is a "Material Change of Use" under the Isle of Man Building Regulations 2007.

4.0 I wrote an email to Ms Watterson on 16th April 2012 that I will be carrying out an investigation into the case following her complaint about the works carried out and alleged failure of Douglas Borough Council to deal with the case in a satisfactory manner.

5.0 I subsequently wrote to Douglas Borough Council Building Control Manager asking if he could provide me with details of this case so I may complete my investigation.

6.0 I received number of report and detailed information concerning alleged defects which was helpful in completing my initial investigation. I subsequently visited the site and wrote to Ms S Watterson with my initial report (exhibit SR1).

7.0 I visited the site again on 30th August 2012 to check on further investigation being carried out which shown the extent of the very poor workmanship of works to existing fire place (covered) and Manx walls wrongly again covered. It was found that the ground outside was higher than the ground inside which is main contributor of ingress of damp into the building and manifesting damp in the ground floor.

8.0 I visited the site again on 27th September 2012 to see the ground floor area near the existing chimney breast exposed showing "suspended" timber floor joists directly sitting on the ground without any space between the soil and the floor joists/boards which against any good practice. Pictures taken on the day are exhibited as SR2.

9.0 In conclusion I must say that I have not seen many such poor and defective workmanship during my time as a Building Control Officer and I believe that works carried out in following areas to have been carried out without any regards to reasonable standards of workmanship and Building Regulations:

a) Dry walling to Manx stone walls,

	b) Works to existing fire place & chimney, c) New ground floor d) Ingress of damp from outside via external walls e) Installation of above ground drainage to first floor bathroom, f) Inadequate care in construction of stud walls to bathrooms on both floors. I the undersigned Siamack Rowaichi produced and exhibit as the author of this statement in reference to the property Flat 1, 32 Christian Road, Douglas of Ms S L Watterson. I attest I have witnessed the workmanship and structural defects, investigations and subsequent actions required. I confirm I would be willing to give oral evidence to this affect. **This statement consisting of 3 pages each signed by me, is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything that I know to be false or do not believe to be true.** **Dated the** 30th Dec 2013 ***Signed***

Isle of Man
Government
Reiltys Ellan Vannin

Exhibit SR 1

infrastructure
planning and building control
bun-troggalys - plannal as gurneil troggal

Miss S Watterson
Flat 1
32 Christian Road
Douglas
Isle of Man

Murray House,
Mount Havelock,
Douglas,
Isle of Man,
IM1 2SF

M. Gallagher, M.R.T.P.I
Director of Planning & Building Control

Date: 20th June 2012

Dear Miss Watterson

Re: Material Change of use from a dwelling into two flats by Tryman Properties Ltd at 32 Christian Road Douglas

Further to your inquiry in respect of standards of workmanship and that of renovation works carried out by Tryman Properties Ltd, converting an existing dwelling into two apartments; my comments are as follows:

1. I have read all documentations and report provide about the problems that you have been experiencing since moving into the property.

2. I have spoken with Douglas Borough Council Building Control and had the opportunity to check a copy of Plans for the conversion works.

3. I have visited the property and have serious concerns about the works carried out which needs further investigation to identify the exact nature and extent of problems so that correct remedy can be designed and applied; these are as follows:

   a) **Ground floor hall way, bottom of stairs** – existing chimney breast hidden behind a dry walling without proper ventilation to the chimney. This has caused damp penetration to inside of the building which is in direct contravention of the building regulations. Renovation works carried out has made the building in a worse state than before start of works.

b) Signs of dampness to ground floor rear bedroom wall along the same wall with chimney breast. Again dry walling appears to be hiding/masking problems. An attempt has been made to help with drying of the wall. The remedial works (providing a very small ventilation holes to dry walling) for better word are ineffective.

c) **Ground floor bedroom ensuite shower room** – vertical crack in tiles full height of wall (crack measuring 400mm from shower cubical frame behind the radiator). This is indicates poor workmanship in construction of stud wall and tiling.

d) **First floor bathroom** – same problem as ground floor ensuite bathroom; full height crack in the stud wall (both sides) and tiles inside of bathroom. This again indicates poor workmanship in construction of stud wall and tiling.

e) There is also general lack of good workmanship in the apartment such as uneven floors, gaps around windows externally etc.

f) **External above ground drainage** as built is not in accordance with building regulations. Connections have been made to wet part of the soil and vent pipe within 750mm of bends. See photographs (Appendix A).

g) There will be a need for sound insulation testing to be carried out to verify compliance with building regulations. This should have been carried out with by an externally accredited third party and paid for the developers. A copy of such test certificate should have been provided to the Building Control Authority.

4. **Bathroom walls** - there are several issues which need to be considered when designing bathroom walls to receive tiles, and these are as follows:

a) Construction of walls,
b) Type of wall substrate to receive tiles
c) Grouting and sealing
d) Sealing bathroom fittings
e) Type of sealant
f) Material & workmanship

Construction of walls - The stud wall separating the bathrooms and bedrooms should filled with insulation (glass or rock fibre insulation) with plaster board finish to both sides and plaster skim finish to the bedroom side and tile on the bathroom side of the wall in accordance with the standards below.

Type of wall substrate to receive tiles - The use of sheets or boards that are subject to movement from changes in moisture content should be avoided if at all possible. If such boards (plywood board, chipboard, some fibre building boards) have to be used, they should be restricted to small areas and installed in such a way that they provide a dimensionally stable and rigid background. The backs and edges of such boards should be treated against the ingress of atmospheric moisture that would result in movement and warping. **Tiles should not bridge joints between boards.**

Gypsum plasterboard is generally suitable as a background for tiling, but consideration should be given to the plasterboard specification and the fixing system.

Plasterboard should conform to BS EN 520. Plasterboard is generally unsuitable for frequently wetted areas; see BS 5385-4 for further guidance for wet conditions; where there is exposure to moisture, e.g. splash backs, **the plasterboard should either be type H or pre-primed and the perimeter sealed.** The following precautions should be observed.

a) When fixing to timber framing or battening, 12.5 mm board should be used as a minimum thickness, with stiffening noggings at all joints.

b) Boards should be positively fixed by either nailing or screwing over the complete area.

c) Where boards are not fixed to timber backgrounds, reference should be made to BS 8212 or the recommendations for the proprietary system by the manufacturer.

d) The weight of tiling should not exceed 32 kg/m2, generally equivalent to tiles with a thickness of 12.5 mm or natural stone tiles with a thickness of 10 mm.

e) Boards should not become damp either during storage or after installation.

f) Plasterboard wall linings not fixed by nails or screws should be allowed to stand for ten days before tiling commences.

g) Where tiling heights exceed 2400 mm, reference should be made to the recommendations of the plasterboard manufacturer.

h) The tiles should be fixed directly on the paper facing of the plasterboards in accordance with the adhesive manufacturer's instructions.

i) In areas where the plasterboard has to be smoothed with gypsum plaster to receive other finishes, the plaster finish coat should be applied in accordance with the plasterboard manufacturer's recommendations.

j) Dry lining angle beads and the like should not be used if the boards are to be tiled using adhesives.

Grouting and sealing - It is essential to use waterproof grout for any bath or shower surrounds. Allow the tile adhesive to harden for 24 hours before applying the grout using a rubber-bladed spreader, ensuring that are the joints are filled. Using a sponge, wipe the grout from the surface of the tiles before it sets and smooth the joints with a blunt-ended stick. When it has dried, use a dry cloth to polish the face of the tiles and leave for about a week before using.

Sealing bathroom fittings - Grout should not be used to seal the gap between the bathtub and the wall, since it can crack and lose its waterproof seal. It's best to use a silicon sealant compound. When applying the sealant to bathtubs, you should fill the bath full of water and then silicone the joint, leave for 24 hours then let the water go.

Type of sealants - Joint sealants should be selected and applied in accordance with the guidance given in BS 6213. Sealant manufacturers' advice should be taken into account as the properties of individual sealants can vary. A sealant should be capable of accommodating the anticipated amount of movement without loss of adhesion to the sides of the joints and be able to withstand the normal service conditions affecting the installation, e.g. resistant to water, ultraviolet light etc. Where movement joints are intended to cover structural joints, and frequent movement is possible, class 25 sealants should be used. For joints undergoing smaller and less frequent movement, classes 20 or 12.5 should be considered.

A given extent of movement can be accommodated either by a wider joint or by the use of a more flexible sealant, or a combination of the two; however, where the class number is less than 20, the sealant might not be suitable over structural movement joints. For a given extent of movement the narrower the joint, the higher the sealant class needed to accommodate the movement.

Material & workmanship - Isle of Man Building Regulations 2007, Regulation 7 states that building work shall be carried out –

(a) With adequate and proper materials which —
  (i) are appropriate for the circumstances in which they are used,
  (ii) are adequately mixed or prepared, and
  (iii) are applied, used or fixed so as adequately to perform the function for which they are designed: and
(b) In a workmanlike manner.

It appears from my inspection that adequate care has not been taken in relation to all aspects of the requirements of the Regulations 7 of the Building Regulations 2007.

It is important that further investigations are carried out to find the full nature of problems and that all works have been carried out in accordance with all relevant British Standards and Building Regulations, and general codes of practice of good workmanship.

In order to find out the exact nature of problem in respect of dampness at the ground floor, part of dry walls should be removed at the location of existing chimney breast and in the ground floor bedroom along the same wall to decide on appropriate remedies.

Please do not hesitate to contact me with any further queries that you may have, or if you wish me to be present when full investigation process to commence.

Yours sincerely

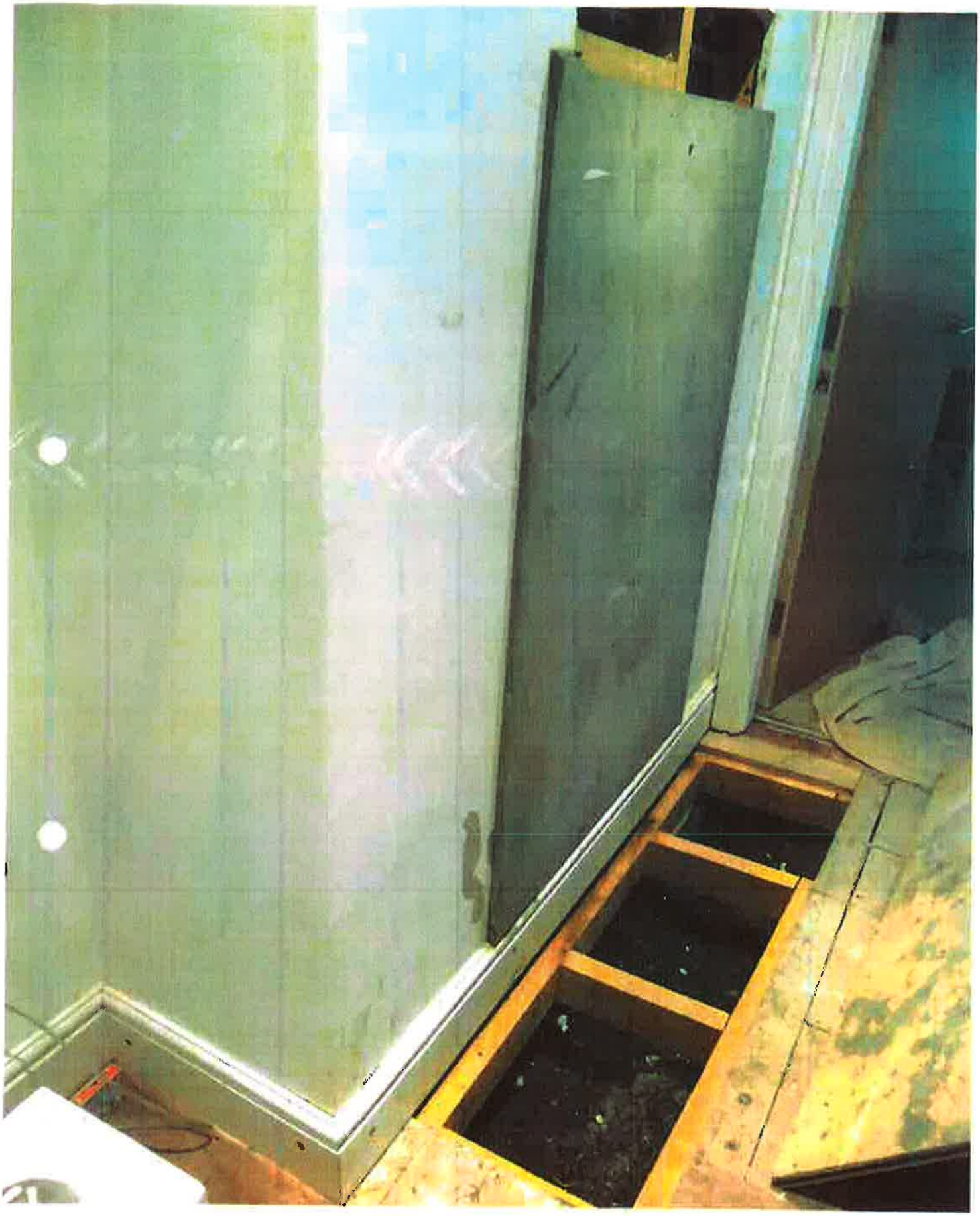
Siamack Rowaichi
Building Control Manager

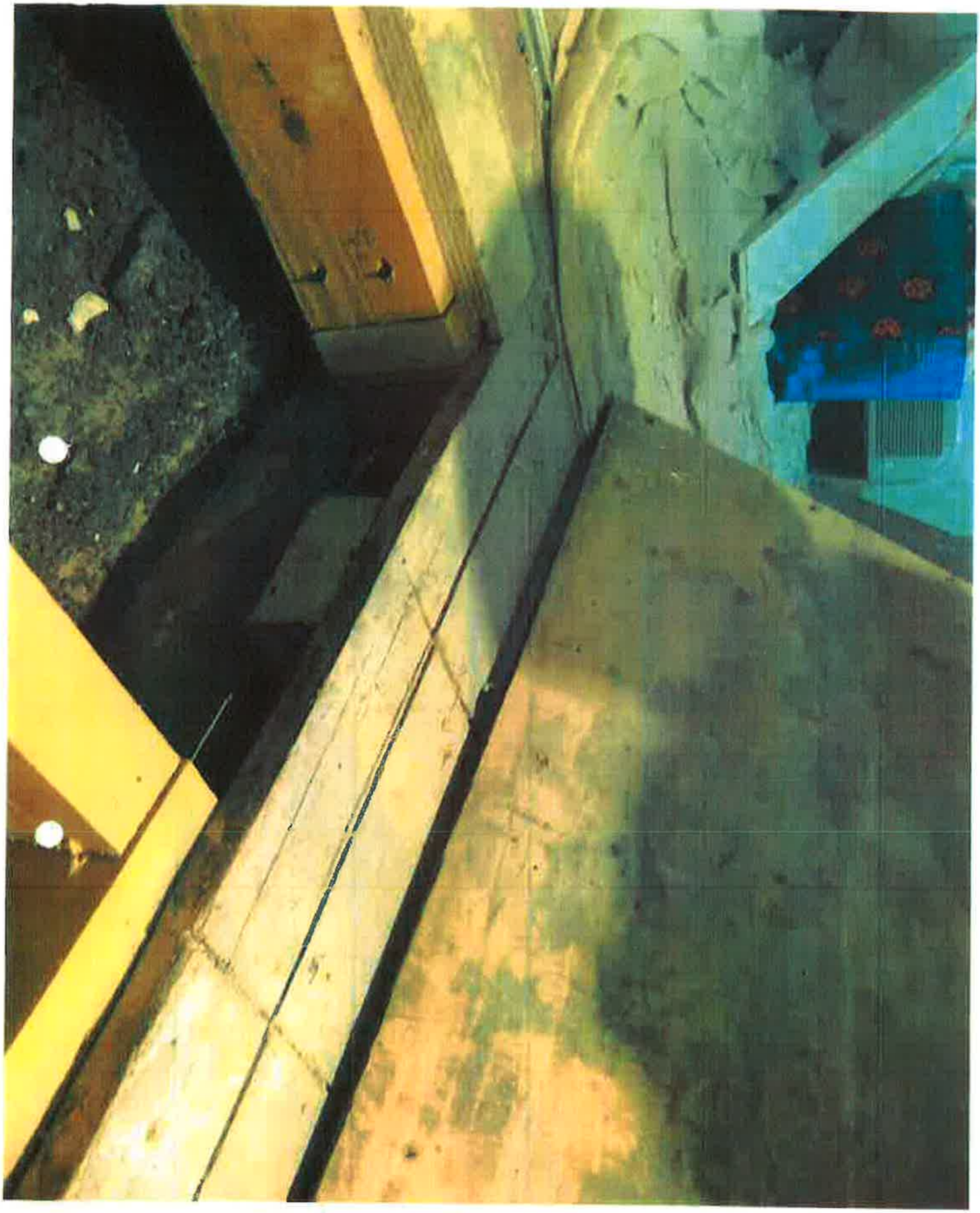
Appendix A

EXHIBIT SR 2.

27TH SEPT 2012

V. Romanuk.





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infrastructure
planning and building control
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Miss S Watterson
Flat 1
32 Christian Road
Douglas
Isle of Man

Murray House,
Mount Havelock,
Douglas,
Isle of Man,
IM1 2SF

M. Gallagher, M.R.T.P.I
Director of Planning & Building Control

Date: 23rd June 2014

Dear Miss Watterson

Re: Material Change of use from a dwelling into two flats by Tryman Properties Ltd at 32 Christian Road Douglas

Following our meeting on 18th June 2014, I can confirm the followings:

1. The rear ground floor bedroom still show signs of dampness along the wall to the right side adjacent to the enclosed yard which is at a higher level than the your flats sub-base to the "suspended timber ground floor".

2. The rear bedroom floor would continue to show signs of dampness until such time the sub-base under the "suspended timber ground floor" is built up so as to be higher than adjoining grounds which will result in much higher finish floor level than the present ground floor levels, or it is replaced with a dense concrete floor with appropriate Damp Proof Membrane which ultimately forms a tanking system preventing ingress of water from the yard into the building.

3. The rear yard should be re-laid to shed the rain water away from the building wall. A reverse gradient should be created for at least 500mm to divert the water away from the wall. The gradient of at least 1 in 60 is recommended. The gradient across the path should not exceed 1 in 40. This should prevent water to concentrate along the wall of the building.

4. Regulation 7 (material & workmanship), states that building work shall be carried out –
   (a) With adequate and proper materials which —
   (i) are appropriate for the circumstances in which they are used,
   (ii) are adequately mixed or prepared, and

(iii) are applied, used or fixed so as adequately to perform the function for which they are designed: and

(b) In a workmanlike manner.

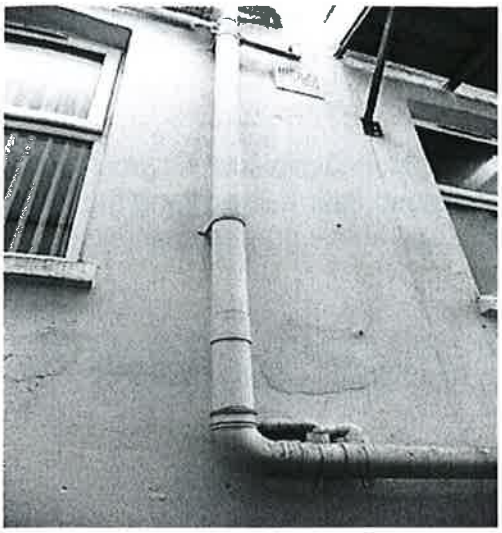
5. There are also other areas which show lack of good workmanship such as ground floor which are uneven. This is mostly noticeable in the ground floor hall way and the kitchen/lounge as well as ill-fitting kitchen cabinets; and above ground drainage and construction of stud walls in bathrooms.

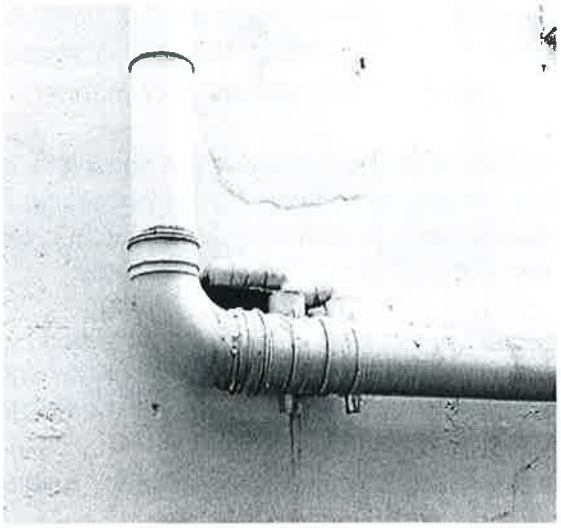
Please attach pictures taken of the yard outside which show the problems of above ground drainage system which is in contravention of the Building Regulations and the levels of outside in relation to the subfloor inside of the building.

Please do not hesitate to contact me with any further queries that you may have

Yours sincerely

Siamack Rowaichi
Head of Building Control & Standards





APPENDIX 2

Letter from Mr Juan Watterson MHK

dated 20th January 2015

House of Keys
Legislative Buildings
Douglas
Isle of Man
IM1 3PW
British Isles

Y Chiare as Feed
Oikyn Slattyssagh
Doolish
Ellan Vannin
IM1 3PW
Ny Ellanyn Goaldagh

Our Ref JW/jo

20th January 2015

Mr R Philllips
Legislative Buildings
Douglas
Isle of Man
IM1 3PW

Dear Roger,

Thank you for your letter of 16th January 2015.

It is difficult to give a concise account of a long email history which I am happy to provide you with copies of. I have reviewed my records, and to the best of my knowledge my first contact with Miss Watterson was via telephone on 12 April 2012. This was followed with email correspondence, where I referred the technical aspects of her concerns to Mr Siamack Rowaichi on 15th April 2012 for his investigation, which he did.

It is not for me to decide whether my actions led to changes in the Regulations, but I do believe that the issues highlighted in this case will have had a direct bearing on these changes. I do believe that the constructive way which officers engage with politicians and constituents is the most efficient mechanism to get legislative changes made.

Yours sincerely

Hon Juan Watterson BA (Hons) ACA MHK
Member of the House of Keys for Rushen

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February 2015

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